

DELEGATED REPORT

Application No:	P/21/0168
Site Address:	Land Opposite Brynteg Stable Yard Dowlais Merthyr Tydfil
Development:	Outline Planning for erection of dwelling
Case Officer:	Rebecca Owens
Site Visit:	20th May 2021
Application Expiry Date:	8th June 2022
Consultation reply date expired:	21st June 2022

APPLICATION SITE

The application relates to a rectangular parcel of land within a mainly residential area in the settlement boundary and Dowlais Conservation Area. The site is located within the confines of the Grade II Listed Dowlais Works Stables which is accessed via an archway through the former stable building to the south east. It is also in close proximity to other Grade II listed properties, including Stables House to the north east.

PROPOSED DEVELOPMENT

Outline planning permission is sought for the erection of a dwelling with all matters reserved for future consideration with the exception of access. Vehicular access would be gained via the existing private highway adjacent to the site with car parking for two cars directly accessed from this road and sited in the north west section of the site.

Details relating to the layout of the proposed development, the appearance and scale of the buildings and the landscaping of the site are to be determined at a later stage (i.e. reserved matters). However, in accordance with the legislative requirements for an outline planning application, an indicative site layout has been submitted suggesting the possible position of the proposed dwelling. The drawing indicates that the proposed dwelling could be positioned relatively centrally within the site with gardens to the south east and north west and car parking within the north western section of the site.

The scale parameters provided state that the proposed dwelling would have a width of between 6.5m and 6.98m, a depth of between 10.3m and 11.3m and a height of between 8.6m and 9.15m.

PLANNING HISTORY

There is no relevant planning history which needs to be taken into consideration when determining this application.

CONSULTATION

The following bodies were consulted, and their responses are presented below:

Head of Engineering and Highways	No objection
Planning Division's Policy Group Leader	No objection
Planning Division's Ecologist	No objection subject to enhancements
Environmental Health Manager	No objection subject to conditions
Wales & West Utilities	No response
Western Power Distribution	No response
Dwr Cymru Welsh Water	No objection subject to condition

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties and two site notices were displayed within the vicinity of the site.

Eight letters of objection were received following the publicity exercise. The main points raised within these are summarised below:

- **Parking** - There would be inadequate parking to meet the needs of the existing dwelling (Brynteg) and the proposed dwelling. The proposal shows parking spaces for use by Brynteg on the access road. This access is a right of way and therefore should not be used for any excess parking. This could become an obstruction and limit access to the parking spaces for Stables House, Stables Cottage and Heddfan and also for any large delivery vehicles.
- **Access** to the site for construction and delivery vehicles - Access to the site is via a cobbled archway and the access road serving the site is narrow and difficult to negotiate by larger vehicles with limited manoeuvrability. The building works would result in an increase in traffic entering a limited area and the size of such vehicles would be considerably larger than those that currently use it. These would have to pass through the archway and use the internal roads. Construction and delivery vehicles may use a right of way for access and there may be temporary restriction to entry to stable yard as deliveries are unloaded (these items would also be of a considerable size).
- **Safety of parked vehicles and residents** – For the above reasons, use of the roads by large vehicles could damage residents' vehicles and affect safety of residents.

- **Noise and disturbance** – Delivery/construction vehicles and building works may create noise, dust and disturbance/nuisance to existing residents resulting in added stress and impacting on use of garden spaces.
- **Impact on listed buildings** - The development of the site would have a detrimental impact on both the Grade II Listed Dowlais Works Stables and Stables House and maintaining Merthyr's historic architecture must be a priority.
- **Overlooking and loss of privacy** - the proposed dwelling would be in close proximity to objectors' properties, directly overlooking some of these (including rear gardens and back bedrooms) which would be an infringement on their privacy both during construction works and in the longer term.
- **Shading and loss of light** - the height and position of the proposed dwelling would result in loss of sunlight and shading to the rear of an objectors' property negatively impacting upon the garden area and its use.
- **Disturbance to stone boundary wall** – This wall is part of the listed yard and removal of trees on the application site, construction works, and installation of services could cause disturbance to this wall and its foundations which is at the rear of objectors' properties. This could also have cost implications.
- **Design and impact on conservation area** – the dwelling would not be on keeping with the area, is overbearing, out of character and neither enhances nor preserves the character an appearance of the area

Local ward councillors have been consulted and they wish the application to be determined under delegated power by the Director of Neighbourhood Services.

POLICY CONTEXT

National Development Framework

Future Wales: The National Plan 2040 (February 2021) sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

National Planning Policies

Planning Policy Wales (Edition 11, February 2021)

- Paragraphs 3.3 to 3.13 set out the principles of good design. Specifically Paragraph 3.3 states that *'...design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area...'*. In addition, in reference to character, Paragraph 3.9 states that *'...the special characteristics of an area should*

be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations'

- Paragraph 3.55 identifies a preference to the use of previously developed land over greenfield sites. It also notes that *'In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development...'* Paragraph 4.2.17 goes on to state that *'...maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites...'*
- Creating sustainable development through reducing the reliance on car journeys and maximising opportunities for people to make more sustainable and healthy travel choice is emphasised throughout PPW. Paragraph 3.12 highlights that *"Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate".* Paragraph 4.1.1 reiterates this noting *"The planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport. By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change and airborne pollution".* Similarly, Paragraph 4.1.37 notes that *"Planning authorities must direct development to locations most accessible by public transport. They should ensure that development sites which are well served by public transport are used for travel intensive uses, such as housing, jobs, shopping, leisure and services".* In respect to car parking paragraph 4.1.50 notes *"Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport".*
- Paragraph 6.1.10 refers to listed buildings noting that *"There should be a general presumption in favour of the preservation or enhancement of a listed building and its setting, which might extend beyond its curtilage. For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses".*
- Paragraphs 6.1.14 – 6.1.17 relate to conservation areas. Paragraph 6.1.14 notes that *"There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character*

or appearance are to be preserved or enhanced and their heritage value is to be fully realised". With paragraph 6.1.15 clarifying that "There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level".

- In regard to Biodiversity and ecology, paragraph 6.4.3 states 'The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement'. Paragraph 6.4.21 also notes that "Planning authorities must follow a step-wise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for; enhancement must be secured wherever possible".

The following Technical Advice Notes are also relevant:

- TAN 18: Transport
- TAN 12: Design
- TAN 24: Historic Environment

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW1: Provision of New Homes
- SW2: Provision of Affordable Housing
- SW4: Settlement boundaries
- SW9: Planning Obligations
- SW11: Sustainable design and Placemaking
- SW12: Improving the Transport Network
- CW1: Historic Environment
- EnW1: Nature Conservation and Ecosystem Resilience
- EnW4: Environmental Protection
- EnW5: Landscape Protection
- EcW9: District Heating

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 1, Affordable Housing.
- Note 2, Planning Obligations.
- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

Principle

The application site is located within the primary growth area of the settlement boundary and as such the principle of the developing the land for residential use is deemed to be acceptable subject to other relevant policies and material planning considerations. In this

respect it is also noted that Policy SW1 promotes the sustainable delivery of new homes and includes a windfall allowance to be built on preferably brownfield, non-allocated sites such as this.

Impact on character, visual amenity and historic assets

Details with regard to the landscaping, layout of the proposed development and the appearance and scale of the buildings have been reserved for future consideration. However, indicative details have been provided. It is noted that the application site is located within the Dowlais Conservation area and is within close proximity to four Grade II Listed buildings including Stables House to the north east, and the Dowlais Works Stables building to the west and south west (the archway opening through which access to the site would be gained) and within the confines of which the application site is located. However, it is considered that a dwelling in this location would neither preserve or enhance these historic assets. Regrettably modern dwellings have been constructed within this courtyard area which no doubt have impacted on the setting of the listed buildings. However, unsympathetic encroachment as a result of the proposal, would further erode the character and appearance of the conservation area and setting of the Listed Buildings. A dwelling, with the proposed scale parameters, would result in a cramped, inappropriate and incongruous form of development which would neither preserve nor enhance the character and appearance of the conservation area or setting of the Listed Buildings. As such the proposal would neither preserve nor enhance these historic assets and would be contrary to policies SW11 and CW1 of the LDP.

Residential amenity

As stated above, details relating to the layout of the proposed development, and the appearance and scale of the buildings have been reserved for future consideration. As a result, it is difficult to ascertain the specific affects that a residential development may have on the surrounding residents. However, taking the modest size and associated constrictions of the site into consideration, along within the illustrative plans, it is not considered that the application site could accommodate the proposed dwelling (to the stated maximum scale limits) without adversely impacting on the amenities of the surrounding residents. The proportions of the site leaves very little scope for alternative layouts and the dwelling would therefore be sited in close proximity to the south western boundary. This forms the rear boundary of the adjoining dwellings in Stables Court, which occupy a significantly lower level than the application site. As such, a dwelling sited in close proximity to the boundary, at the proposed scale(s), would have an overbearing impact on these properties and create overshadowing to the gardens for part of the day. In addition, any windows in the south western facing elevation of the dwelling would result in overlooking and an unacceptable loss of privacy to the occupants of these neighbouring dwellings (although it is recognised that the dwelling may be carefully designed to avoid this). Having regard to the above and taking into account the objections received in relation to such matters, the dwelling would significantly harm residential amenity and be contrary to Policy SW11 of the LDP.

Notwithstanding the above, it is not considered that the proposal would harm the residential amenity of the dwelling opposite known as Brynteg. It is recognised that the proposed dwelling could be sited approximately 14m from its front elevation, but this neighbouring property has an open front garden which already allows for a degree of overlooking to the ground floor windows from any passers-by. As such, any windows looking directly towards this neighbouring property from the proposed dwelling would not

give rise to any greater overlooking than that which already exists. In addition, no concerns are raised with respect to the dwellings to the north west, known as 12 and 13 Stables Court, as the proposed dwelling could be sited a sufficient distance to prevent any harmful overlooking between windows and into their rear gardens. Similarly, whilst the properties to the north/north east (known as Stables House and Stable Cottage) are in closer proximity, views to these dwelling from the application site are likely to be angled. As such it is not considered that they would experience a degree overlooking or loss of privacy that would warrant refusal of the application and they are adequately separated from the site to avoid any overbearing impact or unacceptable loss of light.

Finally, it is not considered that a single residential dwelling would result in any unacceptable noise and disturbance to surrounding dwellings. Whilst it is acknowledged that there may be some disruption to local residents during construction, as a result of building works, deliveries, construction vehicles and dust etc. this would only be for a temporary period and could be controlled via condition to ensure that these activities do not take place at unacceptable times of the day. As such, whilst such concerns and objections are appreciated, this would not warrant the refusal of the application.

Access

Access is to be considered as part of this application. In this respect it is noted that the road serving the site is privately maintained with the nearest adopted highway, Upper Union Street, which is located to the south west of the archway providing access into the enclosed area where the site is located. This private internal highway serves other dwellings and the flats located within Dowlais Stables. Given that the proposal is for a single additional dwelling, no concerns are raised with respect to the associated additional traffic movements, which could be safely accommodated within the existing highway network without detriment to highway safety.

Parking

The indicative layout includes a car parking area for two vehicles accessed directly off the adjacent internal road. Whilst access to and from these spaces would require reversing moments, no objections have been raised by the Head of Engineering and Highways and thus they are deemed to be acceptable. Two parking spaces would also be adequate provision of a dwelling of the size proposed. Notwithstanding the above, it would appear that this area currently provides parking for the existing dwelling known as Brynteg and as such this property would lose their current off-street parking as part of the proposal, with no current parking available within the curtilage of this dwelling. The submitted details indicate that parking for four vehicles could be provided on the adjacent private road for Brynteg. Whilst it is considered that four parking spaces would be over provision for a dwelling of this size, given the narrowness of the private road and the space required for other vehicles to manoeuvre around the corners, it is not considered that this would be a suitable area for alternative parking. However, it is recognised that there is adequate space within the curtilage of Brynteg to provide off street parking and as such, details and provision of alternative parking for use by the residents of Brynteg could be conditioned as part of any planning permission issued. It is also recognised that objections have been raised with respect to the proposed parking spaces on the private road from neighbouring residents who have noted that they have a right of way over this land and thus it should not be used for parking purposes as this could cause obstruction. It is acknowledged that neighbouring occupiers may have a right of access over this land and that there may be

covenants which restrict parking, but this would be a legal matter and would not constitute a reason for refusing the application.

Ecology

The Planning Division's Ecologist is satisfied with the Ecological Appraisal submitted and raises no objections to the proposal subject to the details of the enhancement measures contained within the report being provided at reserved matters stage and implemented on site. This can be dealt with via a condition should an outline planning permission issued.

Response to objections

Parking, access, residential amenity and impact of historic assets (including listed building and the conservation area) have been addressed above. In respect to the other objections raised the following comments are made:

- It is noted that access to the site is via an archway with the private access roads relatively narrow, which may make it difficult for larger vehicles such as construction and delivery vehicles to manoeuvre. However, the logistics of getting materials and machinery to the site is not a material planning consideration. Any restrictions to entry into stable yard and obstruction to the private roads as a result of construction works (deliveries unloading etc) would also be a private matter and not a material planning consideration. It is also noted that such disruptions and inconvenience would only be for the duration of the building works and not long term.
- The Head of Engineering and Highways has not raised any concerns with respect to pedestrian or highway safety and as such the proposal is found to be acceptable in this respect. Any damage to vehicles or property during construction works would be a private matter between the parties concerned and would not be a material planning consideration.
- It is acknowledged that the proposed works may result in disturbance to the stone boundary wall (which forms part of the listed Dowlais Works Stables). However, the structural integrity of the wall and the additional loading from the proposed development would be considered as part of a building regulations application. Notwithstanding this, the proposed development, does have a negative impact on the setting of the Listed Buildings of which this wall is an important historic feature.

PLANNING OBLIGATIONS

Given that the proposal is for a single dwelling, one-site provision for affordable housing or open space would not be feasible. In addition, a financial contribution towards affordable housing would not be sought.

CONCLUSION

In reaching the recommendation, the requirements of section 3 and 5 of the Wellbeing of Future Generations (Wales) Act 2015 have been taken into account. The recommendation is in accordance with the Act's sustainable development principle

through its contribution towards the Welsh Minister's well-being objective of supporting safe, cohesive and resilient communities.

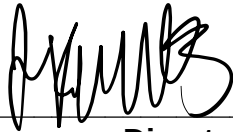
Accordingly, the following recommendation is made:

RECOMMENDATION: BE REFUSED

REASONS:

1. The proposed development by virtue of its scale and siting, would result in an unsympathetic, incongruous and cramped form of development which would cause material harm to the character and appearance of the area and would not preserve or enhance the setting of the listed buildings or the conservation area. As such the proposal would be contrary to Policies SW11 and CW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan. Borough Council Replacement Local Development Plan.
2. The proposal, by virtue of its scale and siting, would have a significant overbearing impact and create overshadowing to the rear gardens of the adjoining dwellings in Stables Court. This would adversely impact on the residential amenity of neighbouring residents and be contrary to Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

14/10/22